

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-94-S - ORDER NO. 2009-137  
MARCH 5, 2009

IN RE: Application of CLS Utilities, LLC for	)	ORDER REQUESTING
Approval of the Agreement, Bond,	)	STATUS REPORT OF
Operation, Monthly Rate and Service Area	)	NEGOTIATIONS
for the Sewage Pump Station in The Harvest	)	
Glen Subdivision in Greenville County,	)	
South Carolina	)	

This matter before the Public Service Commission of South Carolina (“Commission”) originally arose on the March 6, 2008, application of CLS Utilities, LLC (“CLS” or “Company”) requesting approval by the Commission of the agreement, bond, operation, monthly rate, and service area for the sewage pump station in the Harvest Glen Subdivision (“Pump Station”) located in Greenville County, South Carolina. On July 15, 2008, the Commission issued Order No. 2008-490 bifurcating Docket No. 2008-94-S into two parts, separating issues of the bond, operation, monthly rate, and service area for the Pump Station<sup>1</sup> from the single issue of approval of the agreement (“Pump Station Agreement”). The issue of approval of the Pump Station Agreement remains pending before the Commission.

CLS advised in its application that at the time of filing of its application the Company was in the process of entering into a written agreement regarding the Pump Station with the Harvest Glen Subdivision Homeowners Association (“HOA”), the Company’s sole customer.

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<sup>1</sup> The issues of the bond, operation, monthly rate, and service area for the Pump Station in the Harvest Glen Subdivision were considered and decided by the Commission at hearing held June 26, 2008. See Order No. 2008-608, dated September 10, 2008, *Order Approving Operating Margin, Flat Monthly Fee Billed to Homeowners Association, and Settlement Agreement*.

On June 9, 2008, CLS informed the Commission that the Pump Station Agreement had not been executed by the parties and requested the issue of the Pump Station Agreement be separated from all other issues relative to the Company's application. As stated above, the Commission approved bifurcation of the issues in Docket No. 2008-94-S (Order No. 2008-490). Further, the Commission in Order No. 2008-490 stipulated that the parties were to report to the Commission the status of negotiations concerning the Pump Station Agreement within sixty days of the date of Order No. 2008-490. By letter filed September 19, 2008, the Commission was informed by counsel for CLS that the Pump Station Agreement had not yet been negotiated, and counsel committed to provide an update of the status of negotiations within thirty days.

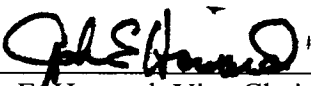
At present, an update on negotiations has not been received by the Commission since the September 19, 2008 filing by CLS's counsel. We now request that CLS and/or the parties to this docket provide a report to the Commission concerning the status of the negotiations regarding the Harvest Glen Subdivision Pump Station Agreement.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman  
(SEAL)